

Remarks***The Claim Amendments***

Applicants have amended claim 4 to recite a recombinant or isolated nucleic acid encoding a polypeptide comprising the amino acid sequence of SEQ ID NO: 2. Support for this amendment may be found throughout the specification. See, e.g., originally filed claim 9 and page 2, lines 26-29 of the specification.

Applicants have amended claim 7 to recite a method for making a polypeptide comprising the amino acid sequence of SEQ ID NO: 2. Support for this amendment may be found throughout the specification. See, e.g., originally filed claim 7 and page 2, line 35 to page 3, line 1 of the specification.

Applicants have amended claim 8 to improve its form. Support for this amendment may be found throughout the specification. See, e.g., originally filed claim 8 and page 3, lines 1-2 of the specification.

Applicants have added new claims 21-43.

Support for new claim 30 may be found throughout the specification. See e.g., page 4, lines 30-32, and page 10, lines 19-21.

Support for new claims 21 and 32 may be found throughout the specification. See, e.g., page 15, lines 11-13 of the specification. Support for new claims 22-23 and 34-35 may be found throughout the specification. See, e.g., page 15, lines 1-4 of the specification. Support for new claims 24-27 and 36-39 may be found throughout the specification. See, e.g., page 15, lines 19-23. Support for new claims 28-29 and 40-41 may be found throughout the specification. See, e.g., page 16, lines 9-14.

Support for new claims 31 and 33 may be found throughout the specification. See e.g., originally filed claims 5-6 and page 2, lines 9-11. Support for new claims 42 and 43 may be found throughout the specification. See e.g., originally filed claims 7-8 and page 2, line 35 to page 3, line 2.

These amendments add no new matter. Their entry is requested.

Claims 1-3 and 9-20 are canceled in this paper. Thus, claims 4-8 and 21-43 are pending and are currently subject to examination.

Rejections Under 35 U.S.C § 112, second paragraph

The Examiner has rejected claims 4-13 under 35 U.S.C § 112, second paragraph for allegedly being indefinite.

The Examiner states that claim 4 is indefinite for failing to further limit the claim from which it depends. Applicants have amended claim 4 to an independent form, thus obviating the rejection.

The Examiner states that claims 7 and 12 are indefinite for failing to point out that which the applicant regards as the invention. Applicants have canceled claim 12. Applicants have amended claim 7 to recite that the polypeptide comprises the amino acid sequence of SEQ ID NO: 2. Thus, applicants respectfully request withdrawal of the rejection.

The Examiner states that claims 9 and 13 are indefinite. Applicant has canceled claims 9 and 13, thus obviating the rejection.

Rejections Under 35 U.S.C § 102

The Examiner states that claims 4-13 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Conley *et al.*, U.S. Patent Number 5,871,963 (hereafter "963 patent") and Conley *et al.*, WO 97/20045 ("045 application").

Applicants have canceled claims 9-13. Claims 5-8 depend from claim 4.

Applicants have amended claim 4 to recite SEQ ID NO: 2. The Examiner acknowledges that SEQ ID NO: 2 of the '963 patent' differs from SEQ ID NO: 2 of the instant application. The Examiner states that the teachings in the '045 application' are equivalent to the '963 patent'. Neither the '963 patent' nor the '045 application' teach or suggest SEQ ID NO: 2. Thus, the claims are not anticipated or rendered obvious by either the '963 patent' or the '045 application'.

The Examiner states that claims 4-13 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Behan *et al.*, WO 00/22131 (hereafter "Behan").

Specifically, the Examiner states that hCHN8(N235K) is 99.7% identical to SEQ ID NO: 2 of the instant application.

Applicants have canceled claims 9-13. Claims 5-8 depend from claim 4.

Applicants note that hCHN8(N235K) (Table H, Table D, SEQ ID NO: 34) of Behan does not appear to be 99.7% identical to SEQ ID NO:2 of the instant application.

Applicants assume that the Examiner intended to refer to hCHN10(L231K) (Table H, Table D, SEQ ID NO: 38) of Behan in the rejection. This sequence is not identical to SEQ ID NO:2 of the instant application (as acknowledged by the Examiner the two sequences differ at residue number 244). As such, the reference cannot anticipate amended claim 4 and dependent claims 5-8 which recite SEQ ID NO:2. Applicants believe that Behan also does not render obvious the amended claims.

Conclusion

Applicants request that the Examiner allow the pending claims and pass this application to issue.

If the Examiner should have any questions regarding this response or application, she is encouraged to contact the undersigned agent.

Respectfully submitted,


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